

STATE BOARD OF EQUALIZATION
BEFORE THE ADMINISTRATIVE JUDGE

IN RE:	Julius Doochin)	
	Map 052-13-0, Parcel 14.00)	Davidson County
	Residential Property)	
	Tax Years 2005 & 2006)	

INITIAL DECISION AND ORDER

Statement of the Case

The subject property is presently valued as follows for both years:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$22,600	\$ -0-	\$22,600	\$5,650

An Appeal has been filed on behalf of the property owner with the State Board of Equalization on September 23, 2005 and August 28, 2006, respectively.

These matters were reviewed by the undersigned administrative law judge pursuant to Tennessee Code Annotated (T.C.A.) §§ 67-5-1412, 67-5-1501 and 67-5-1505. This hearing was conducted on November 7, 2006, at the Division of Property Assessments Office. Present at the hearing were Mr. Daniel Drake, the taxpayer's representative and Mr. Jason Poling, Division of Assessments for the Metro. Property Assessor.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject property consists of a vacant tract of land located at Miami Avenue located in Nashville, Tennessee.

The taxpayer's representative, contends that the property is worth between \$500 to \$1,400¹ based on the fact the land is used as a drainage ditch/culvert for the adjacent parcels of land. This tract was originally part of a 200 acre tract that was subsequently developed to create the subdivision that the parcel lays. The ditch allows run off water to run directly into the Cumberland River. Mr. Drake states that this is not a build able lot and the highest and best use of the property is for its continued use as a drainage ditch. The parcel is 50 to 60 feet wide and has a drainage ditch that goes right down the middle of the lot. A review of the Taxpayer's exhibits shows that it has routinely been valued at \$500 by the county until the reappraisal year of 2005.

The assessor contends that the value should remain at \$22,600 because under some circumstances with the advancement in the building industry it could become a build able lot.

¹ The appeal form indicates a value of \$500.

The germane issue is the value of the property as of January 1, 2005 and January 1, 2006 respectively. The basis of valuation as stated in T.C.A. § 67-5-601(a) is that “[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values”

Since the taxpayer is appealing from the determination of the Davidson County Board of Equalization, the burden of proof is on the taxpayer. See State Board of Equalization Rule 0600-1-.11(1) and *Big Fork Mining Company v. Tennessee Water Control Board*, 620 S.W. 2d 515 (Tenn. App. 1981).

After having reviewed all the evidence in this case, the administrative judge finds that the subject property should be valued at \$1,400 based on the presentation by the taxpayer’s agent. The County had only given a 10% discount for the drainage ditch and it was substantiated by the proof that a deeper discount is more appropriate.

With respect to the issue of market value, the administrative judge finds that Mr. Drake was able to introduced sufficient evidence to affirmatively establish the market value of subject property as of January 1, 2005 and January 1, 2006, the relevant assessment dates pursuant to Tenn. Code Ann. § 67-5-504(a).

ORDER

It is therefore ORDERED that the following values and assessments be adopted for tax years 2005 and 2006:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$1,400.00	\$ -0-	\$1,400.00	\$350.00

It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

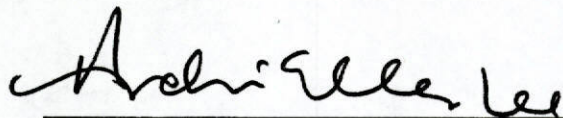
1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or

2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or

3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 15th day of December, 2006.



ANDREI ELLEN LEE
ADMINISTRATIVE JUDGE
STATE BOARD OF EQUALIZATION

c: Mr. Daniel W. Drake
Jo Ann North, Property Assessor